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REMARKS

Applicants wish to thank the Examiner for considering the present application. In the first Office Action mailed April 21, 2006, claims 1-20 are pending in the application. Claims 1-7 were withdrawn from consideration. Applicants respectfully request the Examiner to reconsider the present application in view of the amendments and remarks set forth herein.

Claim 19 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants have cancelled claim 19.

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The applicants have amended claim 8 to clarify the system has a first and second ground terminal.

Claims 8-15 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Drain* (U.S. Patent 4,809,935) in view of *Densmore* (U.S. Patent 5,398,035) and *McLeod* (U.S. Patent 3,618,097). Applicants respectfully traverses.

Claim 8 is directed to the use of at least four medium earth orbit satellites in the same orbit. By providing the satellites at in medium earth orbit, higher latitudes from those in a low earth orbit may be reached. This may be achieved without utilizing the scarce geostationary orbital positions and while enabling the reuse of geostationary frequencies. Claim 8 also includes a first ground terminal having a fixed one-dimensional antenna and a second ground terminal having a two-dimensional tracking antenna.

The Examiner cites the *Drain* reference for disclosing four satellites that are on medium earth orbit and on the equatorial plane. Applicants respectfully submit that the *Drain* reference teaches a plurality of satellites but not mention whether the satellites are low, medium or high

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earth orbit. As illustrated in Figure 2, the three satellites are disposed in three orbital planes. Thus, the satellites are not in the same orbit. Claim 1 specifically recites there are at least four satellites in a medium earth orbit spaced in a first configuration. The "a medium earth orbit" refers to the same medium earth orbit. Therefore, this limitation is not found in the *Draim* reference.

Neither the *Densmore* nor the *McLeod* references teach at least four satellites in a medium earth orbit spaced apart in a first configuration. Therefore, Applicants respectfully request the Examiner to reconsider this rejection.

Claims 8-20 stand rejected under 35 U.S.C. § 103(a) as being patentable over *Stuart* in view of *Densmore* and *McLeod*.

Although *Stuart* specifically states the constellation could be used for "any orbit that is not a geosynchronous orbit", *Stuart* clearly does not contemplate the use of middle earth orbit satellite systems. This is evident in several respects. *Stuart* specifically describes the use of low earth orbit satellites at an altitude from about 800 to 1852 km. This is substantially different than the altitudes described in the present application of about 10000 km and about 15000 km. The drawbacks of providing such a system as described in the *Stuart* reference includes minimal coverage to higher latitudes of the earth. *Stuart* specifically mentions that this embodiment is designed to furnish service to Mexico and to a large number of developing countries. To provide further coverage throughout the world, polar and inclined orbits must be incorporated into *Stuart's* system which will substantially increase the cost of providing coverage to the higher populated areas of the world. Further *Stuart* does not teach or suggest the use of a first deployment interleaved with a second deployment.

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Although it is generally suggested in the *Stuart* reference that any satellite in an orbit besides the geosynchronous orbit may be employed, *Stuart* clearly does not contemplate the use of medium earth orbit satellites.

As mentioned above, the *Densmore* and *McLeod* references also do not teach at least four satellites in the same medium earth orbit. Therefore, Applicants respectfully request the Examiner to reconsider this rejection as well.

In light of the remarks above, applicants submit that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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